

# **Exhibit C**

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**Columbia, Sarah**

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**From:** Prof. Dr. Hermann Ney [ney@informatik.rwth-aachen.de]  
**Sent:** Thursday, May 11, 2006 12:05 PM  
**To:** Lisa Fleming  
**Cc:** Lee Carl Bromberg; Columbia, Sarah; Erik Belt; Frank, Robert S.  
**Subject:** RE: Nuance v. VST: contact the judge

Dear all,

thank you for giving me the judge's phone number.

Unfortunately, I will not be available for a telephone meeting today. I suggest I will discuss the situation with the judge, and independently of my phone call, the two parties should contact the judge about how to proceed.

Best regards,  
Hermann Ney.

On Thu, 11 May 2006, Lisa Fleming wrote:

> Dear Professor Ney,  
>  
> Thank you for the opportunity to meet with you on Monday. Before our  
> meeting, you had requested to speak with Judge Saris about the neutral  
> expert procedure. We thus want to confirm with you that Judge Saris has  
> set aside 11:00 am Boston time on Friday, May 12, 2006, for you to call  
> her. Her phone number is 617-748-4831.  
>  
> At the meeting on Monday, you repeatedly expressed concern that each  
> company's source code is so large that it will be difficult and time  
> consuming for you to meet the objective set by the Court, which is to  
> search the complete source code to identify whether or not there is  
> reason to believe (a) VST uses ScanSoft's trade secrets and (b) ScanSoft  
> infringes VST's patent. Given your concern about searching every line of  
> code, you asked whether it would be possible to identify more  
> particularly in the source code where certain functions can be found.  
>  
> The practical solution to your concern is to allow the parties'  
> independent speech recognition experts to examine the respective source  
> codes so that they can identify more particularly for you the areas of  
> code to examine. We believe that allowing the independent experts to  
> assist you will be the most efficient and fair procedure for meeting  
> your obligations under the Court's neutral expert procedure.  
> Accordingly, we ask that when you speak with Judge Saris, you request  
> that Dr. Goldhor be allowed to review VST's source code so that he can  
> assist you in your examination of VST's source code, verify or rebut  
> VST's representations about its own code, and point you more  
> particularly to areas of the code where the use of trade secrets might  
> be found. Of course, Dr. Goldhor will be acting under the protective  
> order in this case and thus under an obligation to keep the code  
> strictly confidential. We also intend to propose to Judge Saris other  
> measures that can be put in place to ensure and maintain the  
> confidentiality of the source code.  
>  
> Likewise, if Dr. Goldhor is given access to VST's source code, we would  
> consent to VST's independent expert having access to ScanSoft's source  
> code as well for the purpose of pointing you to narrow areas of the  
> ScanSoft code that VST contends infringes its patent. VST's expert would  
> also need to sign the same undertaking that Dr. Goldhor signed to ensure

> that he will keep the source code strictly confidential, as required by  
> the protective order. For these reasons, we respectfully request that  
> you raise this issue with the Judge on May 12.

>  
> Also, a few days before the meeting on Monday, we gave you a brief  
> describing other trade secret techniques and implementations that we  
> believe must be considered as part of your responsibilities under the  
> Court's neutral expert procedure. We had referred to these other areas  
> of trade secrets in our initial brief that we submitted to you in  
> February. We next referred to these trade secrets in a letter to you on  
> April 10, 2006. As you know, VST objects to your consideration of these  
> additional areas and requests that you not read or consider our  
> supplemental submission. We believe, however, that you are obligated  
> under the Court's order to consider all of ScanSoft's trade secrets.  
> Moreover, we are concerned that VST is unfairly trying to prevent you  
> from hearing ScanSoft's presentation of its full case. As we stated  
> during our session with you on Monday, we will raise this issue with  
> Judge Saris, but we hope that you will also discuss the issue with Judge  
> Saris in the context of your questions about the time for submitting  
> your report to the Court.

>  
> We would like to discuss these issues with you tomorrow (Thursday) and  
> wonder if there is a good time that we could set up a conference call  
> for that purpose. Of course, we would include VST's lawyers in the  
> teleconference and have thus copied VST's lawyers on this e-mail to you.

> Best regards.

>  
> Lisa M. Fleming  
> Partner

>  
> Bromberg & Sunstein LLP  
> Attorneys at Law  
> 125 Summer Street  
> Boston, MA 02110-1618  
> Tel: (617) 443-9292  
> Fax: (617) 443-0004

>  
> This message is intended only for the addressee(s), and may contain  
> information that is privileged and confidential. If the recipient of  
> this message is not an addressee, please notify us immediately by  
> telephone.

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>  
>  
> -----Original Message-----  
> From: Prof. Dr. Hermann Ney [mailto:ney@informatik.rwth-aachen.de]  
> Sent: Wednesday, May 10, 2006 5:01 PM  
> To: Lisa Fleming  
> Cc: Lee Carl Bromberg; Brad Lawrence; Columbia, Sarah; McKenna,  
> Christopher J.  
> Subject: Nuance v. VST: contact the judge

>  
> Dear all,

>  
> what is the phone number for the judge to call this Friday?

>  
> Thank you,  
> Hermann Ney.

>  
> On Tue, 25 Apr 2006; Lisa Fleming wrote:

>  
> > Dear Professor Ney,

> >  
> > Thank you for your correspondence regarding your upcoming visit to  
> > Boston. We have secured a hotel reservation for you at the Wyndham  
> > Hotel at 89 Broad Street in Boston around the corner from the offices  
> > of Choate Hall and Stewart, the law firm we will meet at for our  
> meeting.  
> > The law firm's address is printed under Sarah Columbia's signature  
> > below. The parties will take care of the bill directly in accordance  
> > with the Court's neutral expert procedure.  
> >  
> > We will forward a proposed agenda to you early next week. Of course,  
> > we welcome your comments on the agenda.  
> >  
> > The parties will also have technical experts available to you as you  
> > requested.  
> >  
> > We are making arrangements to have the Judge available to discuss the  
> > case with you either on May 8 or at a time convenient to both you and  
> > the Judge.  
> >  
> > We look forward to seeing you on May 8 at the offices of Choate Hall &  
> > Stewart beginning at 9:00 a.m.  
> >  
> > Best regards.

> > Lisa Fleming	Sarah Columbia
> > Counsel for ScanSoft	Counsel for Voice Signal
> > Technologies	
> > Bromberg & Sunstein LLP	Choate, Hall & Stewart
> LLP	
> > Attorneys at Law	Two International Place
> > 125 Summer Street	Boston, MA 02110
> > Boston, MA 02110-1618	Tel: (617) 248-5053
> > Tel: (617) 443-9292	Fax: (617) 248-5000
> > Fax: (617) 443-0004	

> >  
> > This message is intended only for the addressee(s), and may contain  
> > information that is privileged and confidential. If the recipient of  
> > this message is not an addressee, please notify us immediately by  
> > telephone.  
> >  
> >

> > ~~Original Message~~

> > From: Prof. Dr. Hermann Ney [mailto:ney@informatik.rwth-aachen.de]  
> > Sent: Tuesday, April 25, 2006 12:00 PM  
> > To: Erik Belt  
> > Cc: Lee Carl Bromberg; Brad Lawrence; Columbia, Sarah; McKenna,  
> > Christopher J.; Lisa Fleming  
> > Subject: Nuance v. VST: meeting on May 8 in Boston

> >  
> >  
> > Dear all,  
> >  
> > for the meeting on May 8 in Boston, I have a couple of questions or  
> > suggestions:  
> >  
> > \* Could I ask you to make a hotel reservation for me  
> > from Sunday, May 7 (arrival: around 19.00) to  
> > Monday, May 8, preferably a hotel in central Boston?  
> > Thank you.  
> > Could the bill be handled directly by you?  
> > Thank you.  
> >  
> > \* Is somebody preparing an agenda for the meeting?